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NATIONAL MULTI-AGENCY OIL AND HAZARDOUS MATERIALS POLLUTION CONTINGENCY PLAN

Federal Water Pollution Control Administration
Washington, D. C.

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NATIONAL MULTI-AGENCY OIL AND HAZARDOUS MATERIALS

POLLUTION CONTINGENCY PLAN

This National Multi-Agency Contingency Plan, prepared at the direction of President Lyndon B. Johnson, provides a mechanism for coordinating the Federal response to a spill of oil or other hazardous materials. Agencies signatory to this Plan are:

Department of the Interior

Department of Transportation

Department of Defense

Department of Health, Education and Welfare

Office of Emergency Planning

September 1968

TABLE OF CONTENTS

	PAGE
ABBREVIATIONS AND DEFINITIONS	1
INTRODUCTION	2
POLICY ON FEDERAL RESPONSE TO POLLUTION INCIDENTS	3
RESPONSIBILITIES	4
NATIONAL INTERAGENCY COMMITTEE	5
JOINT OPERATIONS CENTER	6
ORGANIZATION AND FUNCTIONS IN FEDERAL RESPONSE SITUATIONS	7
FEDERAL RESPONSE OPERATION - RESPONSE PHASES	9
PROCEDURES TO BE FOLLOWED FOR THE PURPOSE OF WATER POLLUTION CONTROL	10
ADDITIONAL PROCEDURES APPLICABLE TO CERTAIN POLLUTION INCIDENTS	11

LIST OF ANNEXES

I SIGNATORY AGENCIES

II DISTRIBUTION

III SUMMARY OF STATUTORY AND LEGAL AUTHORITIES

IV NATIONAL INTERAGENCY COMMITTEE (NIC)

V JOINT OPERATIONS CENTER (JOC)

VI REGIONAL COORDINATING CENTERS

VII SALVAGE

VIII COMMUNICATION AND REPORTS

IX LOCAL GOVERNMENT AND PRIVATE INTERESTS

X FUNDS

XI LEGAL CONCEPTS AND PROCEDURES

XII PUBLIC INFORMATION

XIII TECHNICAL INFORMATION

Abbreviations and Definitions

Department and Agency Title Abbreviations

- DHEW - Department of Health Education and Welfare
- DOD - Department of Defense
- DOI - Department of the Interior
- DOT - Department of Transportation
- OEP - Office of Emergency Planning
- FWPCA - Federal Water Pollution Control Administration
- USCG - U. S. Coast Guard
- USPHS - U. S. Public Health Service

Operation Title Abbreviations

- JOC - Joint Operations Center
- JOT - Joint Operations Team
- NIC - National Interagency Committee for Control of Pollution by Oil and Hazardous Materials
- OSC - On-Scene Commander
- ROC - Regional Operations Center
- ROT - Regional Operations Team

Definitions

Pollution Incident - is a discharge of oil or other hazardous substance of such magnitude or significance as to require immediate response to contain, cleanup or dispose of the material to prevent a substantial threat to public health or welfare.

Major Disaster - is any flood, drought, fire, hurricane, earthquake, storm or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to become of sufficient severity and magnitude to warrant disaster assistance by the Federal government to supplement the effort and available resources of States and local governments in alleviating damage, hardship or suffering.

Oil - is any kind or form of oil including but not limited to fuel oil, sludge oil refuse and oil mixed with wastes other than dredged spoil.

Hazardous Substance - is matter of any description or origin other than oil, which when discharged into any waters in substantial quantities, presents an imminent and substantial hazard to the public health or welfare, including fish, shellfish, and wildlife and shorelines and beaches.

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NATIONAL MULTI-AGENCY OIL AND HAZARDOUS MATERIALS POLLUTION CONTINGENCY PLAN

Introduction

The development of a national awareness and concern over the hazards and damages to water related resources from oil pollution can be traced in large part to the sinking of the tanker, TORREY CANYON. This marine casualty off the south coast of England, caused a massive oil spill with a tragic destruction of water related resources along both the English and French coasts. But more importantly, it galvanized the United States into action and caused us to assess our own capabilities to cope with massive spills of oil or other hazardous substances. President Johnson recognized this need by directing the Secretary of the Interior and the Secretary of Transportation to study the nation's capabilities for handling such disasters. The results of this study are detailed in "Oil Pollution - A Report to the President." This report documented our unpreparedness to deal with a catastrophic oil spill, and clearly pointed to many areas of needed Federal action.

On June 7, 1968, the President, by memorandum, directed the Secretaries of Defense, Interior and Transportation and the Director of the Office of Science and Technology to assume special responsibilities in order to strengthen this nation's preparedness to act in the event of an oil spill pollution emergency along our coasts and waterways. The President further directed the Secretary of the Interior to assume primary responsibility for completing, at the earliest possible date, multi-agency contingency plans for responding to oil spill emergencies. This document is directed toward fulfilling the President's directive.

Purpose and Objectives

This plan represents an agreement among concerned Departments and agencies of the Federal government for a pattern of coordinated and integrated responses to pollution incidents. It establishes a national reaction team and provides guidelines for the establishment of regional contingency plans and reaction teams. This plan promotes the coordination and direction of Federal, State and local response systems and encourages the development of local government and private capabilities to handle such pollution incidents.

The objectives of this plan are to develop effective systems for discovering and reporting the existence of a pollution incident, promptly instituting measures to restrict the further spread of the pollutant, application of techniques to cleanup and dispose of the collected pollutants, and institution of action to recover cleanup costs and effect enforcement of existing federal statutes. Regional contingency plans will provide further detailed guidance toward the accomplishment of these objectives.

Scope

This plan will be effective for all United States navigable waters including inland rivers, Great Lakes, coastal territorial waters, and the contiguous zone and high seas beyond this zone where there exists a threat to United States waters, shoreface, or shelf-bottom.

The provisions of this National Multi-Agency Oil and Hazardous Materials Pollution Contingency Plan are applicable to all Federal agencies signatory thereto. Implementation of this plan will be compatible and complementary to currently effective assistance plans, agreements, security regulations, and responsibilities based upon Federal statutes and executive orders (see Annex #3).

Policy on Federal Response to Pollution Incidents

The Federal policy to prevent, control and abate water pollution has been established by statute, for the purpose of protecting and enhancing the quality and value of our nation's water resources. To this end, the discharge of oil under certain conditions is proscribed and the discharge of oil from any boat or vessel into the navigable waters of the United States prohibited: the Secretary of the Interior may accomplish the removal of such discharged oil if the person responsible fails to remove it from the navigable waters and adjoining shorelines; oil, classified as a refuse, may not be discharged: and oil may not be discharged from vessels in international waters near the shores of the United States. Additionally, the President has established the policy that appropriate Federal resources will be used for dealing with the pollution aspects of oil spill problems and to protect our natural resources from their consequences.

In the event that the person responsible for a pollution incident does not act promptly, does not take or propose to take actions to contain, cleanup and dispose of pollutants which are concurred in by the DOI representative on ROT, or the discharger is unknown, further Federal response actions may be instituted. A primary thrust of regional plans is to encourage the person responsible for the discharge of oil or other hazardous substances causing the pollution incident to remove the pollutant or adequately mitigate its effects. When such person is taking adequate action, the principal thrust of Federal activities shall be to observe and monitor progress and to provide advice and counsel as may be necessary.

The Federal agencies signatory to this plan possessing facilities or other resources which may be useful in a Federal response situation will make such facilities or resources available for use in accordance with this plan as supplemented by the regional plans. Agencies making resources available to OSC or through JOC shall make such assignment consistent with operational

requirements, within the limits of existing statutory authority and without reimbursement, except where reimbursement is specifically required by statute or by agreement with another agency.

Responsibilities

Each of the agencies signatory to this plan has responsibilities established by statute, Executive Order or Presidential Directive, which may bear on the Federal response to a pollution incident. This plan does not intend to delegate any of these responsibilities but intends to promote the expeditious and harmonious discharge of these responsibilities through the assignment of authority for action to those agencies having the most appropriate capability to act in each specific situation. Responsibilities and authorities of these several agencies relevant to the control of pollution incidents are detailed in Annex 3.

Within the framework of this plan, each agency also accepts certain responsibilities to promote the effective operation of the plan. These considerations are spelled out in greater detail in the regional plans. For each agency these are:

The Department of the Interior is responsible for administering, developing and revising the National Multi-Agency Plan for Oil and Hazardous Materials Pollution and for developing and revising the regional plans. In this activity DOI will give full consideration to the recommendations of NIC concerning the interpretation, revision and application of the plan. Through the resources of the Federal Water Pollution Control Administration, DOI will provide technical expertise to JOT and the ROT's relative to water pollution control techniques. The assessment of damage to fish and wildlife resources will be made by the appropriate DOI agency.

The Department of Transportation, through the U. S. Coast Guard, supplies expertise in fields of navigation, port safety, and security, and maritime law enforcement.

The Office of Emergency Planning will maintain an awareness of pollution incidents as they develop. The normal OEP procedures will be followed to evaluate any request for a major disaster declaration received from a State. If the President declares a major disaster under PL 81-875 for the pollution incident, the Director, OEP, will provide coordination and direction of the Federal response in accordance with OEP policies and procedures.

The Department of Defense consistent with it's operational requirements, may provide military assistance in critical pollution incidents and in the maintenance of navigation channels salvage, and removal of navigation obstructions.

The Department of Health, Education and Welfare is responsible for providing expert advice and assistance in those pollution incidents that constitute an immediate threat to public health.

All of the Federal agencies signatory to this plan are responsible for making resources available to other Federal agencies as described in the plan's policy for Federal response; for providing official representation to NIC, JOT, and ROT; for making information available as may be necessary; and, for keeping JOT informed, consistent with national security considerations, of changes in the availability of resources that would effect the operation of this plan.

National Inter-Agency Committee

The National Inter-Agency Committee (NIC) is the principal instrumentality for plans and policies of the Federal multi-agency response to pollution incidents. The Committee is composed of representatives of the agencies signatory to this plan. The representative of DOI will serve as chairman of NIC and the representative of DOT will serve as vice-chairman.

NIC will develop procedures to promote the coordinated reaction of all Federal, State, local government and private agencies to pollution incidents, and will make recommendations to DOI concerning the interpretation, revision, and application of the national plan. To facilitate the development of such procedures, NIC may request each agency to supply pertinent data and information on its reaction capability and operating procedures.

NIC will review regional contingency plans and make recommendations for improving the effectiveness of such plans. NIC will also coordinate and review reports from JOC and the ROC on the handling of major or unusual pollution incidents for the purpose of analyzing such incidents and recommending needed improvements in the contingency plans.

In considering the National posture for reaction to pollution incidents, the NIC will consider and make appropriate recommendations relating to the training of reaction team personnel, research, development, test and evaluation activities needed to support reaction capabilities, equipment and material stockpiling and other matters as the need arises.

NIC will establish and maintain liaison with the U. S. National Committee

for the Prevention of Pollution of the Seas by Oil to promote a consistent United States posture regarding oil pollution control. Summary reports and other documents of an evaluative nature will be coordinated through NIC.

Joint Operations Center

The Joint Operations Center (JOC) is the Washington D. C. headquarters site for activities relative to pollution incidents. JOC will be accommodated in quarters described in Annex 5, and will provide communications, information storage and other necessary physical facilities to promote the smooth and adequate functioning of this activity.

The Joint Operations Team (JOT) consists of representatives of the signatory agencies and shall act as an emergency response team to be activated in the event of a pollution incident involving oil or other hazardous material which: (a) exceeds the response capability of the region in which it occurs, (b) transects regional boundaries, or (c) involves national security or major hazard to substantial numbers of persons or nationally significant amounts of property. A representative of DOI shall be the Chairman and a representative of DOT shall be Executive Secretary of JOT. The Executive Secretary shall maintain records of the JOT activities along with national and regional plans for pollution emergency responses. When JOT is activated because of a water pollution emergency situation, the Chairman of JOT will assume the role of principal coordinator of JOT activities.

A continual surveillance of inconing reports from the ROC's will be maintained in JOC. Whenever reports which require or appear to require a national reaction are received, the members of JOT will be advised of the receipt of such reports and JOT may be activated on the request of any member.

During pollution incident operations, JOC will act as the focal point for national public information releases and for information transfer between the OSC and the Washington D.C. headquarters of the agencies concerned, thereby promoting rapid and accurate information transfer and minimizing the radiation of spurious and incomplete information about any given situation. Public information activities are considered in Annex 12.

During a pollution emergency, JOT will evaluate reports coming from the OSC, requesting additional information as may be indicated. JOT will coordinate the actions of other regions or districts in supplying needed assistance to the OSC. JOT may recommend courses of action for consider-

ation by the OSC but has no operational control of the OSC. On the basis of reports and information about a pollution incident, JOT may request other Federal, State, local government or private agencies (whether or not they are signatory to this document) to consider taking action under whatever authorities they may have to accomplish needed objectives for the purpose of pollution control. JOT may recommend the deployment of personnel to monitor and observe the handling of any pollution incident. Copies of all reports and documents developed by JOT and ROT as a result of pollution incidents will be provided to NIC for its evaluation.

Regional Operations Center

The Regional Operations Center (ROC) as established by each regional contingency plan, is the regional site for activities relative to pollution incident situations. ROC will be accommodated in physical quarters described in each regional plan and will function at the regional level similarly to JOC. The Regional Operations Team (ROT) will perform functions within the region similar to those performed nationally by JOT. Additionally, the ROT shall determine when a shift of on-scene coordination from the predesignated OSC to another agency is indicated by the circumstances or progress of a pollution incident. The organization and functions of the ROT are described in each regional contingency plan.

Organization and Functions in Federal Response Situations

Geographic Areas

This contingency plan concerns all of the navigable waters of the United States and areas immediately adjacent thereto, wherein a massive spill of oil or other hazardous substances would directly affect the navigable waters. For the purpose of the development of regional contingency plans the nation's waters are divided into hydrologically oriented regions corresponding to FWPCA regional outlines. Such regions may be further sub-divided into areas by the regional plans if this appears desirable.

On-Scene Coordination

Coordination and direction of Federal pollution control efforts at the scene of a pollution incident shall be accomplished through an On-Scene Commander (OSC). The OSC is the single executive agent predesignated by regional plan to coordinate and direct such pollution control activities in each area of the region.

(a) In the event of a spill of oil or other hazardous substance the first responsible Federal official on the site, from any of the signatory agencies, shall assume coordination of activities under the plan until the predesignated OSC becomes available to take charge of the operation.

(b) The OSC shall initiate and direct Phase II operations and direct Phase III operations as hereinafter described.

(c) The OSC shall determine pertinent facts about a particular incident such as the nature, amount, and location of material spilled, probable direction and time of travel of the material, resources and installations which may be affected and the priorities for protecting them.

(d) The OSC shall call upon and direct the deployment of needed resources in accordance with the regional plan to initiate and continue containment, countermeasures, cleanup, restoration, and disposal functions.

(e) The OSC shall provide necessary support activities and documentation for cost recovery and enforcement functions. (see Annex II)

(f) In carrying out this plan, the OSC will report to and coordinate closely with ROT to ensure the maximum effectiveness of the Federal effort in protecting the natural resources and environment from pollution damage.

(g) It is recognized that in some cases the OSC, particularly where he is a Coast Guard Officer, may have other functions such as search and rescue, or fire control and safety which must be performed along with pollution control functions.

The U. S. Coast Guard is assigned the responsibility to furnish or provide for OSC's for the coastal and contiguous zone waters, ports and harbors, Great Lakes and major inland navigable waterways. The Department of the Interior will furnish or provide for OSC's in other areas. A major consideration in the selection of an OSC for a particular area will be that agency's capability and resources for on-scene coordination of pollution control activities. Each OSC and his area of responsibility will be detailed in the regional plans.

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Federal Response Operations - Response Phases

The actions taken to combat a pollution incident can be separated into four relatively distinct classes or phases. For descriptive purposes, these are labeled as: Phase I. Discovery and Notifications; Phase II. Containment and Countermeasures; Phase III. Cleanup, Restoration, and Disposal; and Phase IV. Recovery of Damages and Enforcement. It must be recognized that elements of any one phase may taken place concurrently with one or more other phases. The following is a discussion of these phases:

Phase I - Discovery and Notificacion are the first response actions to a pollution incident. Discovery of an incident may be through deliberate discovery procedures such as vessel patrols, aircraft searches or similar procedures or through random discovery by the incidental observations of government agencies, private agencies or the general public.

In the event of deliberate discovery, the incident would be reported directly to ROC and appropriate action, as detailed in the Regional Plan initiated. Reports from random discovery may be initially made through police departments, telephone operators, port authorities, news media, etc. Regional plans should attempt to channel such reports into ROC as promptly as possible to facilitate prompt reaction.

The severity of the pollution incident will determine the reporting procedure and the specific persons or offices to be notified of the spill. The severity of a spill is determined by the nature and quantity of materials spilled, the location of the spill and the resources adjacent to the spill area which may be affected by it. Regional plans should consider these factors in establishing alerting procedures, however, JOC should be notified immediately in the event of a spill; a) in the coastal zone of 100,000 or more gallons of heavy oil; b) in the inland waters of 10,000 or more gallons of heavy oil; or, c) in any waters of other material of such nature and quantity that human health or welfare is substantially threatened.

Phase II - Containment and Countermeasures are defensive actions to be initiated as soon as possible after discovery and notification of a pollution incident. After the OSC determines that further Federal response actions are needed and depending on the circumstances of a particular incident, they may include the placing of physical barriers to halt or slow the spread of a pollutant, the emplacement or activation of booms or barriers to protect specific installations or areas, increase or reduction of the water discharge from upstream impoundments and the employment of chemicals and other materials to restrain the pollutant and its effects on water related resources.

Phase III - Cleanup, Restoration, and Disposal include those actions taken to remove the pollutant from the water such as the collection of oil through the use of sorbents, skimmers or other collection devices, actions taken to restore the environment to its pre-spill condition such as removal and replacement of beach sand or re-seeding of a shellfish bed decimated by the toxic effect of a pollutant, and non-polluting disposal of the pollutants which are recovered in the cleanup and restoration activities.

Phase IV - Recovery of Damages and Enforcement may include a variety of activities depending on the location of and circumstances surrounding a particular spill. Recovery of damages done to Federal property under Federal law and to state or local government property under State laws are included; however, third party damage is not considered in this phase. Recovery of the costs of cleanup is a part of this phase and enforcement activities under appropriate jurisdictions such as the Oil Pollution Act of 1924, the Refuse Act of 1899, and state and local statutes and ordinances are also included. The collection of scientific and technical information of value to the scientific community as a basis for research and development activities and for the enhancement of our understanding of the environment may also be considered in this Phase. It must be recognized that the collection of samples and necessary data must be performed at the proper time during the pollution incident for enforcement and other purposes.

Procedures to be Followed for the Purpose of Water Pollution Control

The agency furnishing the OSC for a particular area is assigned responsibility to undertake and implement Phase I activities in that area. Other signatory agencies should fold Phase I activities into their on-going programs whenever practicable. Upon receipt of information--either from directed or random discovery activities--that a pollution spill has occurred, the OSC for the affected area and ROT shall be notified. ROT shall consider the facts and may declare that a pollution incident has occurred. Information on the incident shall then be transmitted through the ROC to the OSC, JOC and Federal, State and local agencies in accordance with the Regional contingency plan.

The OSC is assigned responsibility for the initiation of Phase II actions. Continuing water pollution control techniques must receive the concurrence of the DOI representative on ROT. Continuing water pollution control techniques employed by OSC in Phase II which may cause or contribute to dangerous navigational situations, affect the public health or safety, or national security must be concurred in by the representative on ROT of the agency having concomitant jurisdiction.

The OSC is assigned responsibility for the conduct of Phase III activities, utilizing techniques concurred in by the DOI representative on ROT. Phase III activities which may cause or contribute to dangerous navigational situations, affect the public health or safety, or national security must receive the concurrence of the representative on ROT of the agency having concomitant jurisdiction.

Phase IV activities shall be carried out by the individual agencies in accordance with existing statutes, with such assistance as is needed from other signatory agencies.

Additional Procedures Applicable to Certain Pollution Incidents

Delegation of authority or concurrence in proposed or continuing water pollution control activities may be either verbal or written by the DOI representative on ROT.

In the event that a potential pollution source moves from the area covered by one contingency plan into another the authority to initiate pollution control actions shall shift with the potential source. In the event that a pollution incident affects areas covered by two or more regional plans, the response mechanism called for by both plans shall be activated, however, pollution control actions shall be fully coordinated as detailed in the regional plans.

With regard to federally owned or operated vessels or other facilities, in any geographical area, the initial actions under the Reaction Phases, described elsewhere in this report, will be taken by that department or agency owning or responsible for operation of the vessel or facility. Continuing water pollution control actions taken under Phases II and III must be concurred in by the DOI representative on the appropriate ROT.

In the event of a nuclear pollution incident the procedures of the Inter-Agency Radiological Assistance Plan shall apply.

This plan is an agreement entered into by the heads of the agencies listed below. Any signatory agency may withdraw from the agreement on 30 days notice to each of the other agencies.

The Plan may be modified through procedures described in the plan with the written consent of the Secretaries of the Interior, Transportation, Defense, Health, Education and Welfare, and the Director, Office of Emergency Planning.

Annexes to the plan, detailing procedures for executing the Plan, may be modified by the representatives to the National Interagency Committee with the approval of the Secretary of the Interior.

Regional Plans may be modified by the Department of the Interior with the concurrence of the agencies affected by such changes.

1. U. S. Department of the Interior _____ Secretary

2. U. S. Department of Transportation _____ Secretary

3. U. S. Department of Defense _____ Secretary

4. U. S. Department of Health, Education, and Welfare _____ Secretary

5. Office of Emergency Planning _____ Director

ANNEX II

DISTRIBUTION OF PLAN

For the most effective operation of the plan, coordination with and the cooperation of many Federal, State, interstate, and local agencies will be necessary. To this end, the following agencies will be included in the distribution and other information relevant to the operation of this Plan:

1. The agencies signatory to this plan and the offices designated within their agencies. These include:

   (a) all FWPCA Regional offices;

   (b) all Coast Guard District Commanders;

   (c) all USPHS Regional Health Directors;

   (d) Department of Defense; and

      (i) all Corps of Engineers District and Division Engineers
      (ii) all U. S. Navy District Commanders
      (iii) all Continental Army Commands

   (e) Office of Emergency Planning Regional Directors.

2. All State water pollution control agencies.

3. All interstate water pollution control agencies.

4. The Department of Justice.

Formal distribution of the plan and other relevant information will be handled by the U. S. Department of the Interior, Federal Water Pollution Control Administration. Informal distribution to others not listed above may be handled by the Department or agency concerned.

Tabulations of the agencies receiving the distribution are attached.

A SUMMARY OF LEGAL CAPABILITIES AVAILABLE TO THE UNITED STATES TO CONTROL OIL POLLUTION

I. Oil Pollution Act, 1924, as amended, (33 U.S.C. 431 et. seq.) now makes unlawful, with some exceptions, the grossly negligent or willful discharge of oil into the navigable waters and adjoining shorelines of the United States from a vessel. This prohibition applies to foreign and domestic vessels within our territorial sea and navigable inland waters. The Act establishes both civil and criminal sanctions for violations. The exceptions are cases of emergencies imperiling life or property, and unavoidable accidents, collisions, or strandings, and those cases where discharges are permitted by regulation. The Act authorizes the Secretary of the Interior to issue regulations which:

Permit the discharge of oil from boats or vessels in such quantities, under such conditions, and at such times and places as in his opinion will not be deleterious to health or marine life or a menance to navigation, or dangerous to persons or property engaged in commerce on navigable waters of the United States; and

Relate to the removal or cost of removal or both, or oil from the navigable waters of the United States, and adjoining shorelines of the United States.

The Act further provides for a coordinated action program by allowing the Secretary of the Interior to make use of the organization, equipment and agencies of the Coast Guard and Army with the consent of the Commandant and Secretary, respectively. The 1966 amendment to the Act inserted reference to persons employed under authority of the Secretary of the Army for the better enforcement of the Act.

II. An act to authorize Federal assistance to state and local governments in major disaster and for other purposes (42 U.S.C. 1855 et. seq.). By Executive Order 10427, dated January 16, 1953, the President has delegated administration of the Federal disaster assistance program under Public Law 81-875, cited above, to the Director, Office of Emergency Planning. This includes the authority to coordinate and direct the disaster relief activities of all Federal agencies during a major disaster and when a major disaster is declared by the President, and to administer disaster relief funds made available by Congressional appropriation to the President. The Disaster Relief Act of 1966, Public Law 89-769, reaffirmed the Office of Emergency Planning's role in planning and directing Federal disaster assistance activities.

In a disaster of major proportions, the Office of Emergency Planning will make damage assessment through such agencies as the Corps of Engineers, Bureau of Public Roads, Department of Health, Education and Welfare, and the Department of Housing and Urban Development.

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After the President declares a major disaster, the Office of Emergency Planning may direct any Federal agency to provide assistance to:

- Utilize or lend, with or without compensation, to State and local government, equipment, supplies, facilities, personnel, and resources other than extension of credit under the authority of any Act.

- Distribute, through the American National Red Cross or otherwise, medicine, food and other consumable supplies.

- Donate or lend to States, for their use or distribution surplus equipment and supplies

- Perform, on public or private lands, protective and other work to preserve life and property.

- Provide temporary housing or emergency shelter.

- Clear debris and wreckage, and make emergency repairs and temporary replacement of essential public facilities, such as roads, bridges, water and sewer systems, public buildings, of State and local governments.

The Office of Emergency Planning may render financial assistance to:

- State and local governments for work to protect life and property, to clear debris and wreckage, and to make emergency repairs to and temporary replacements of essential public facilities of State and local governments, including provisions for temporary housing or emergency shelter

Federal agencies as reimbursement for disaster relief assistance directed by the Office of Emergency Planning.

Statutory and Legal Authorities pursuant to which OEP operates are:

Public Law 81-875 (42 U.S.C. 1855-1855g). Executive Order Nos. 10427 and 10737, as amended, Parts 1709 and 1710 of Title 32 of the Code of Federal Regulations (32 C.F.R. Part 1709, 1710).

Section 12 of Public Law 89-769 (42 U.S.C. 1855hh).

The Department of Defense cites the basic law, 42 U.S.C. 1855-1855g, as its principal authority in responding to civil assistance situations upon the determination by the President that disaster assistance is warranted

and a governor's certification of need for such assistance.

III. The Rivers and Harbors Act, also cited as The Refuse Act of 1899, (33 U.S.C. 407) is administered by the Corps of Engineers and applies to both vessels and shore-based facilities with respect to almost every type of discharge to a navigable water except that flowing from streets and sewers. A 1965 judicial ruling construed the Act to include the discharge of commercially valuable gasoline.

The Corps of Engineers can perform work for other Federal agencies. This authority is contained in Section 219 of the Flood Control Act of 1965, Public Law 89-298, which states, "The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to accept orders from other Federal departments and agencies for work or services and to perform all or any part of such work or services by contract."

IV. Legal Authorities Under Which the U. S. Coast Guard Operates Relating to Water Pollution Control May be Summarized as Follows:

A. Primary Duties

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on the high seas and waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice breaking facilities, and rescue facilities for the promotion of safety on and over the high seas and waters subject to the jurisdiction of the United States, and shall maintain a state of readiness to function as a specialized service in time of war. (14 U.S.C. 2).

B. Functions and Activities Relating to Water Pollution Control.

1. Saving of life and protecting the property (14 U.S.C. 88).
2. Providing aids to maritime and air navigation (14 U.S.C. 81).
3. Providing for the safety of naval vessels (14 U.S.C. 91).

4. Administering the Merchant Marine Safety Program (Title 46 U.S.C.)
5. Operating an effective port security and safety program (50 U.S.C. 191 and Executive Order 10173, as amended).
6. Enforcing or assisting in the enforcement of Federal laws on the high seas or waters subject to the jurisdiction of the United States, for example:

   a. Oil Pollution Act 1961 (33 U.S.C. 1001)
   b. Refuse Act of 1899 (33 U.S.C. 403 et. seq.)
   c. Oil Pollution Act of 1924, as amended (33 U.S.C. 431 et. seq.)
   d. "Dangerous Cargo Act (46 U.S.C. 171)" activities now covered by 18 U.S.C. 278 (46 U.S.C. 171, as such, has been repealed).

7. Administering the Tank Vessel Act (46 U.S.C. 391a)

V. The Federal Water Pollution Control Act, as amended (33 U.S.C. 466, et. seq.). The Secretary of the Interior administers the Federal Water Pollution Control Act, as amended, through the Federal Water Pollution Control Administration.

The Act has as its stated policy "to enhance the quality and value of our water resources, and to establish a national policy for the prevention, control, and abatement of water pollution."

Under section (5) (b) of the Act, the Federal Water Pollution Control Administration may participate in an oil or other hazardous materials pollution incident and make recommendations for the solution of the problem, at the request of a State or interstate water pollution control agency. Section (5) (b) States:

> "The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem."

The Federal Water Pollution Control Administration may also provide technical assistance to public and private agencies under section (5) (a) of the Act. This section states:

> "The Secretary shall conduct in the Department of the Interior and encourage, cooperate with, and render assistance to other

> appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies, relating to the causes, control, and prevention of water pollution."

Under the enforcement provisions of the Act it is stated in section 10 (a):

> "The pollution of interstate or navigable waters in or adjacent to any state or states (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act."

In enforcement actions held under the procedures described in section 10, the Secretary, where appropriate, may make recommendations for limits on various pollutants, including oil and other hazardous materials. If effective progress toward abatement of the pollution is not made in these enforcement actions, more stringent enforcement measures may be taken under the Act.

Water quality standards, as provided in section 10 of the Act, where appropriate, have included oil and other hazardous materials. The Act provides for enforcement procedures to insure compliance with the water quality standards.

VI. The Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343), authorizes the Secretary of the Interior to require the prevention of pollution in offshore oil or mining operations. In the implementation of this Act, a requirement for compliance with antipollution regulations could be made a condition of any lease, with failure to comply making the lease revocable.

NATIONAL INTERAGENCY COMMITTEE (NIC)

1. Purpose

The purpose of the National Interagency Committee (NIC) is to provide an advisory body to insure the viability of the operating program of the Federal government to deal with spills of oil and other hazardous substances.

2. Objectives

a. To review the national and regional plans periodically for adequacy and effectiveness, and to recommend changes to these plans as necessary.

b. To review major and catastrophic pollution incidents with a view to improving the plans and to make such recommendations to the signatory agencies as indicated and appropriate.

c. To encourage joint demonstrations, projects and exercises of forces of signatory agencies.

d. To review exercise reports and to submit an annual report to the signatory agencies concerning the readiness of the national and regional plans and forces to cope with a major or catastrophic water pollution incident.

3. Composition

a. The representative of DOI shall serve as chairman of the Committee, and the representative of DOT as vice-chairman.

b. Membership shall be comprised of representatives of the Federal agencies having statutory responsibilities pertaining directly to water pollution or its effects. The original membership shall be comprised of the following agencies:

Department of the Interior
Department of Transportation
Department of Defense
Office of Emergency Planning
Department of Health, Education and Welfare

c. Provisions are made for observers and consultants on a non-reimbursable basis from other federal, state or local agencies and industry as circumstances warrant. The objective of maintaining a broadly-based organization and response is in consonance with the legislation on oil and hazardous pollution.

JOINT OPERATIONS CENTER

1. The National Joint Operations Center (JOC) for Oil and Hazardous Materials Water Pollution Incidents is established at United States Coast Guard Headquarters, Washington, D. C. (20591) in Room 7133.

2. Purpose

The purpose of the JOC is to provide an effective physical means for coordination and control of an incident should national level involvement be required.

3. Activation

a. The JOC may be activated by any interested agency through its representative member of the JOT.

b. Activation may take place immediately upon receipt of information of a major water pollution incident.

c. Immediate notification of activation to participating agencies will be made by appropriate means using the words "JOC Activated at (Date & Time) Z" (Greenwich Mean Time or Zulu Time).

4. Responsibilities

a. The Commandant, U. S. Coast Guard will provide the necessary communications and plotting facilities and equipment. This will include:

(1) Telephone branch lines
(2) Teletype circuits
(3) Adequate charts of U. S. navigable waters, the continental shelf and the ocean areas adjacent to U. S. territorial waters.
(4) Technical library on oil and hazardous materials pollution.
(5) Plotting and display provisions to visually depict the geographic position, movement and extent of the pollutant.

b. Signatory agencies will furnish competent representatives to man the JOC as required and furnish appropriate technical manuals and materials and such administrative support as required.

c. The Coast Guard Duty Officer, pursuant to his standing instructions, will provide initial notification of a pollution incident to the Coast Guard member who is the Executive Secretary who will subsequently notify the members of JOT.

5. Communications Services Available

a. Telephone (voice)

(1) AUTOVON (Automated Voice Network) - general purpose switched voice network of Defense Communications System. Serves CONUS, Alaska, Europe, Pacific and Panama.
(2) Washington Tactical Switchboard-Pentagon terminal of the tactical telephone system, operated by USAF.
(3) FTS - GSA operated government administrative telephone system.
(4) SARTEL - SAR COMMAND COORDINATION telephone network. Leased HOTLINE telephone net extending from Halifax to New Orleans.

b. Teletype

(1) AUTOVON. A defense communications worldwide. High speed user data communications system operated for and managed by the DCA to provide both direct user to user and store and forward message switching service for DOD and other government agencies.
(2) SARLANT - Coast Guard leased teletype system extending from Massachusetts to Texas and Missouri and Ohio. Used to control and coordinate SAR incidents under CEA and handles other operational traffic and priority administrative communications.
(3) SARPAC - Same as (2) for the West Coast U. S.
(4) TWX - Teletypewriter exchange service links 50,000 CONUS industry and government offices. Also has overseas capability.

6. Weather Information

a. Telephone (voice) with the Weather Bureau for domestic and oceanic weather and forecasted conditions.

7. Ocean Conditions

a. Telephone and teletype connections to the Commander, Eastern area for ocean surface conditions and forecasted conditions.

ANNEX VI

REGIONAL OPERATIONS CENTERS

[Listing of Regional Operations Centers will be inserted after designation in the Regional plans].

SHIP SALVAGE AUTHORITY OF THE U. S. NAVY AS RELATED TO OIL SPILL EMERGENCIES

As set forth in Public Law 513 (80th Congress, 2nd Session, 10 USC 7361, et. seq), the Secretary of the Navy is authorized to provide, by contract or otherwise, necessary salvage facilities for both public and private vessels upon such terms and conditions as he may, in his discretion, determine to be in the best interests of the United States. In addition to the responsibilities which the Navy would assume in applying salvage techniques to cope with a potential pollution problem involving a U. S. Navy vessel, Public Law 80-513 authorizes the use of Navy facilities for salving public and private vessels at the request of competent authority. The following examples are used to illustrate the responsiveness of Navy salvage forces to pollution incidents and to further delineate the relationships whereby Navy salvage forces would respond to assist other "competent authorities" in coping with potential pollution problems:

(a) U. S. Navy ship aground: pollution threat to surrounding environment. The Navy would acknowledge total responsibility for the operation. Acting in accordance with promulgated Naval directives, Navy salvage forces would automatically respond to cope with the salvage aspects of the problem. The Navy would seek USCG and FWPCA assistance to deal with a pollution threat which might exist during salvage efforts or which might develop should initial salvage efforts prove unsuccessful.

(b) Any vessel aground: pollution threat to U. S. Territorial waters. As provided for in Naval directives promulgated in response to Public Law 80-513, the Navy may, subject to the availability of forces, respond to a request from competent authority for salvage assistance to save the ship and cargo. Provided it has not been abandoned, arrested, or in some manner come under Governmental control, competent authority in the case of a merchant vessel will ordinarily be the ship's master, owner, agent, or authorized underwriter's representative. In such cases, the customer is the ship's master, owner, agent or underwriter and the Navy provides salvage services that are governed by the appropriate Naval directives. Due regard must, however, be given to the existence locally, or the reasonable availability, of privately owned salvage facilities.

On the other hand, if a competent Governmental agency, such as the USCG, FWPCA, Corps of Engineers, Office of Emergency Planning, or a federal court has stepped into the case, and, acting in the public interest to prevent or minimize pollution, requests Navy salvage assistance as an evolution of

the oil pollution control operation, and acknowledge that it is the "customer", Navy salvage assistance may be provided in consonance with the provisions of Public Law 80-513. In such cases, the operation will be considered to be one of cross-servicing within the Government and the existence of local salvage capability may be considered subordinated thereto.

If the ship has been abandoned it may be expected that some agency of the local, state, or federal Government will have assumed at least interim possession and will be in a position to act as competent authority to request salvage, and act as "customer". In such a case, the operation will again be considered as one of cross-servicing and it may proceed as above. Similarly, if the ship has been arrested, the salvage assistance will be governed by the directions of the competent court.

(c) Wrecked vessel of any flag blocking a U. S. Territory navigation channel. Under the Rivers and Harbors Act of 1889, the Army Corps of Engineers has the responsibility for wreck removal and can exercise this authority, if necessary, prior to abandonment of the vessel by the owners and underwriters. Accordingly, Naval salvage forces may respond to a request for salvage assistance from the Corps of Engineers which would act as the competent authority and "customer" in such a case.

Even though the Corps of Engineers can deal with the Navy or with commercial salvors for wreck removal as noted above, it does not have removal authority solely for the purposes of minimizing leakage of oil or potential oil leakage. Anti-pollution action must be taken by the USCG or the FWPCA.

(d) Wrecked vessel of any flag in navigable waters: pollution threat to U. S. Territorial waters; not blocking a channel. Although current legislation is imprecise in defining a territorial separation or overlap in the area responsibilities of the USCG and the FWPCA, both organizations have broad authorities (in effect and pending) under the provisions of the Federal Water Pollution Control Act and the Oil Pollution Act of 1924 to prevent, control, and correct the effects of oil pollution. Accordingly, it is the policy of the Navy to respond to requests for assistance from either of these organizations to provide salvage assistance in dealing with potential or actual oil pollution incidents.

COMMUNICATIONS AND REPORTS

Purpose

The communications concerning a major oil or hazardous material spill are an integral and significant part of the operations. The same precepts govern in these instances as do other operations in which the Coast Guard and other operating agencies are involved.

Objectives

(a) To speed the flow of information pertaining to an incident.
(b) To relay advice, instructions and reports pertaining to an incident.
(c) To provide for alerting, notification, surveillance and warning of a pollution incident.

Procedures

(a) Normal communications circuits of each signatory agency may be used to effectuate this plan. The national and district or regional offices and telephone numbers of primary alerting and notification offices of interested agencies will be maintained in JOC and as apropriate in ROC.

(b) The initial reporting of a pollution incident will be in accordance with the information and format as described in the regional plans.

(c) SITREPS (Situation Reports) will be forwarded by the OSC to his operational commander, with ROC, or JOC, or both, as appropriate, as informational addresses.

1. Such reports will be submitted in a timely manner as developments occur and at 0800 and 2000 local time on each day of the operation.

2. Participating agencies will be kept advised of the information contained in such reports through their representatives on the JOT or ROT, as applicable.

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Reports

At the conclusion of Federal activity resulting from a pollution incident, any OSC involved will submit a complete report of the incident and the actions taken, pursuant to applicable directives of his own agency. Copies will be furnished to the JOT or ROT, as appropriate, for submission to the NIC, together with any other pertinent information available to the forwarding group. The NIC will then evaluate each incident and will make appropriate recommendations as provided in Annex IV.

STATE AND LOCAL GOVERNMENT AND PRIVATE INTERESTS

Under this plan, private, State, local and Federal responses to pollution incidents will be fully coordinated to achieve the most effective pattern of response. Additionally, this Plan encourages the development of State and local government capabilities and private capabilities to handle such pollution incidents.

To accomplish both the development of capabilities and coordination of responses, the State and local agencies having response and resource capabilities are encouraged to participate in the regional planning necessary to accomplish the objectives of this Plan. The formation of State and local action teams to develop and participate in programs designed to handle pollution incidents appears desirable, and the agencies signatory to this Plan will encourage and assist in the establisnment of such teams and local alerting systems for pollution incidents. Additionally, the purchase of appropriate equipment and materials by States, localities, and private interests for use in pollution incidents is suggested.

The States and local agencies have primary responsibility to enforce their own laws and regulations relating to pollution incidents. Phase IV activities under this Plan, will be performed so as to accommodate, whenever possible, State and/or local requirements for enforcement of their laws.

The Governor of a State has the responsibility to ask for the declaration of a Major Disaster, whenever appropriate. The Regional Plans will assist in such instances by providing an orderly Federal-State-local response to a pollution incident.

In accordance with the established Federal policy for oil pollution incidents, the person responsible for the discharge of oil or other hazardous substances causing pollution will be encouraged to remove the pollutant or adequately mitigate its effects. If the person responsible does not act promptly or does not propose to take necessary and appropriate action, as concurred in by the DOI representative on ROT, to contain, cleanup, and dispose of pollutants, or the discharger is unknown, further Federal response actions as described in the Plan may be instituted. When such person is taking adequate action, Federal activities will consist primarily of observing and monitoring progress, and providing whatever advice and counsel may be necessary.

The specific details concerning State, local and private involvement in response operations for pollution incidents will be spelled out in the regional plans.

FUNDING

The central thrust of this plan and existing statutes is that the cost of containment, countermeasures and cleanup with respect to spills of oil or other hazardous materials shall be borne by the person (as defined by the Oil Pollution Act of 1924) permitting or causing the spill.

Actions undertaken by the agencies signatory to this plan in response to pollution emergencies shall be carried out under existing programs so far as practicable. It is recognized, however, that the separate agencies have funds available specifically for dealing with pollution and related incidents.

Although it is not envisioned that specific reimbursement agreements between Federal agencies will be needed to insure that the Federal resources will be available for a timely response to a pollution emergency, this plan does not preclude such agreements.

The Department of the Interior has made available, through administrative direction within FWPCA, $10,000 per region for expenditure on cleanup operations.

The U. S. Coast Guard pollution control efforts are funded under "Operating Expenses".

The Department of Defense

In addition to having statutory responsibility to provide assistance in the event of a declared disaster has two specific sources of funds. These are:

1. Funds required for removal of a sunken vessel or similar obstruction to navigation are available to the Corps of Engineers through Civil Functions Appropriations, Operations and Maintenance, General.

2. The U. S. Navy has funds available through its salvage operations.

Office of Emergency Planning

In making a declaration of a major disaster for a stricken area, the President may allocate funds from his Disaster Relief Fund. The allocated funds are administered by the Director, Office of Emergency Planning.

The Director may authorize reimbursement to other Federal agencies for disaster assistance directed by the Office of Emergency Planning. Applicable policies and procedures are stated in Title 32, Chapter XVII, Part 1709 "Reimbursement of Other Federal Agencies Performing Major Disaster Relief Functions."

The Director may make financial assistance available to State Governments and through the States to local governments in accordance with policies and procedures stated in Title 32, Chapter XVII, Part 1710 Federal Disaster Assistance.

ANNEX XI

Procedures for Reporting Information and Collecting Samples in Phase IV Operations

(Recovery of Damages and Enforcement)

The OSC in charge at the scene of a pollution incident may be from any one of several agencies. Therefore, it is necessary to establish uniform procedures for notification of counsel, collection of samples and information consistent with the several phase operations in Federal response situations. Necessary information and sample collection must be performed at the proper times during the Federal involvement in a pollution incident for the purpose of later use in cleanup cost recovery, damage recovery, and civil and criminal enforcement actions, under appropriate Federal statutes. Thus, during the phase operations of discovery and notification, containment and countermeasures, and cleanup, restoration, and disposal, the OSC must take the necessary action to put counsel on notice of the event and to ensure that information, records, and samples adequate for legal purposes are obtained and safeguarded for future use.

Notification of Counsel

A. Immediate Telephone Notice

Immediately upon notice of the discovery of a pollution incident, the ROT and JOT members shall notify their respective regional and Departmental attorneys, as provided herein and as detailed in the Regional Plan.

Legal notice to the ship operator and owner indicating Federal interest and action in an incident shall be prepared and sent, using Form No. FWPCA 207(7-68), shown on page XI-7, this annex. Counsel will advise regarding specific changes or citations to be added to this notice.

Immediate coordination of counsel of the Department of the Interior, Corps of Engineers and the Coast Guard, at the Washington, D. C. level and the regional level, will be effected for joint and several actions concerning sending of notices, advices regarding the handling of evidence, preparation of evidentiary statements, and referral of the matter to the Justice Department or the appropriate U. S. Attorney.

B. Transmittal to Counsel of Reports and Evidentiary Materials

The information and reports obtained by the OSC are to be transmitted directly to the RDT. The representative of the agency on RDT having cost recovery or enforcement authority will then refer copies of the pollution reports to his respective departmental counsel.

Investigation, Collection of Samples and Reporting

Samples collected are to be transmitted, using procedures detailed below, to the laboratory designated in the regional plan for analysis. Reports of laboratory analyses will be forwarded to the appropriate RDT for transmittal to counsel. The Chairman, RDT, will also forward copies of laboratory reports to JDT. Procedures for handling of samples and records are described below.

A. Action to be taken by OSC for Phase IV Activities in Conjunction with Actions in Phase I, II, and III

(1) Investigate observed instances of oil or other hazardous materials pollution in the waters covered by the scope of this Plan.

(2) Collect samples of oil or hazardous materials from the water and from appropriate spaces of the suspected offending vessel or vessels, shore establishments, or other sources, when investigation discloses a reasonable basis to believe a violation has occurred. (See B, below)

(3) Prepare Oil Pollution Incident Report (Form No. FWPCA 209 (7-68) shown on page XI-10) together with additional documents or attachments, if any.

(4) Transmit the original and one copy of Form No. FWPCA 209 (7-68) and attachments to the appropriate RDT Chairman at RDC. A copy of the form and attachments are to be forwarded to the Chairman JDT. Samples are to be sent directly to the laboratories designated in the regional plans.

(5) Such material should be mailed by air mail (wherever possible), special delivery, registered-return receipt requested. Reports sent from the laboratories to the Chairman RDT should also be mailed in this manner.

(6) Chain of Custody: It is important that a chain of custody of the samples be properly maintained and recorded from

the time the samples are taken until ultimate use at the trial of the case. In this regard, a record of time, place, and the name and title of the person taking the sample, and each person handling same thereafter must be maintained and forwarded with the sample, using the Form No. FWPCA 208 (7-68) shown on page XI-9.

(7) If in any doubt as to whether or not any particular occurrence may be an oil pollution or hazardous materials pollution violation case, or in any doubt as to how to proceed in any given case, contact the RRT for instructions and advice. If, however, time is a critical factor and/or the RRT has not yet assembled, proceed as if the incident were a pollution violation.

B. Sample Collection Procedures to be followed by OSC in Phase IV Activities

(1) Several precautions must be observed when taking and handling liquid samples for analyses as the character of the sample may be affected by a number of common conditions. These precautions concern:

a. the composition of the container;
b. cleanliness of the container;
c. manner in which the sample is taken; and
d. time elapsed between sampling and analysis.

(2) In taking such samples, the following procedures are to be followed in all cases:

a. Glass containers of one quart size are to be used. The portion of the cap or cap liner which may come into contact with the sample in the container is to be made of glass, aluminum foil, or teflon.

b. Previously unused containers are preferred. Containers that have been cleaned with a strong detergent, thoroughly rinsed and dried may be used.

c. Samples must be properly labeled.

d. Consultation: Consult with the analysis laboratory personnel relative to special samples and unusual problems. In this regard, Department of Interior laboratories will advise on procedures and unusual sampling problems. Inquiries may be made or addressed to the appropriate DOI laboratory in the area. Locations of DOI laboratories are given in the regional plans.

e. Some explanatory notes covering the above procedures:

- Glass containers always must be used because plastic containers, with the exception of teflon have been found in some cases to absorb organic materials from water. In other cases compounds have been dissolved from plastic containers. This comment also applies to bottle cap liners.

- It is sometimes difficult for a chemist to analyze the impurity. Therefore, it is desirable to take as large a sample of the pollutant as possible. Proper skimming techniques should be used to obtain a sufficient amount of oil for analysis.

- When water is polluted, it is not unusual for the pollution condition to change rapidly. Samples should be taken in a timely fashion, and the time sequences and place appropriately noted.

OIL POLLUTION INCIDENT REPORT

A. The following information, where appropriate, for each pollution incident, should be obtained by the OSC and reported, pursuant to the instructions above and paragraph B below. Form No. FWPCA 209 (7-68), to facilitate recording and processing this information, will be supplied to the OSC by the FWPCA. This form appears on page XI-10.

B. Instructions for preparation of Form FWPCA 209(7-68)

(1) The OSC shall designate an identification number, in consecutive order, to each case. This case number should be placed at the top right hand corner of the form. The same number should also be placed on the cap of each sample obtained, as well as on the "chain of custody" tag or label affixed to each sample. Each Regional area will be assigned a distinguishing letter code which will precede the case number. The ROT shall assign an appropriate identification number for each case and will inform the OSC of the assigned number.

(2) At least four copies of this form are to be prepared for forwarding. The original and one copy are to be transmitted to the Chairman of the appropriate ROT. One copy is to be transmitted to JOT. A copy is also to be transmitted to the supervisory headquarters authority of the OSC.

(3) Section III, Pollution Data. It is not always possible to obtain signed statements from persons directly concerned in a violation case. These signed statements are desirable, if reliable and obtained on a voluntary basis. Oral statements or comments made to or in the presence of the investigating officer also should be described in a statement by the investigating officer and attached to the report. Reference to such statements should be noted on this form and attached as an Annex.

(4) Section IV, Samples. The "Remarks" (item No.31) portion of this section need not necessarily be brief. Include any facts, observations, or any information that may be helpful to the reviewing official in making a determination as to whether or not there is sufficient evidence for prosecution.

(5) In the space marked "first endorsement" the OSC should indicate that the original of this form has been forwarded to the appropriate ROT Chairman. The endorsement should also indicate that

samples, if any, have been forwarded to the appropriate laboratory indicated in regional plans. When the OSC is informed by the ROT and the laboratory that the reports and samples have been delivered, he will then forward the registered mail receipts to ROT for their files.

U. S. DEPARTMENT OF THE INTERIOR
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

LEGAL NOTICE TO SHIP OWNER, OPERATOR, AND CAPTAIN

XI - 7

FROM	NAME OF VESSEL
	ADDITIONAL ADDRESSEES
TO	

The United States, acting through the U. S. Department of the Interior, hereby notifies the vessel and owners of the _____ (NAME OF VESSEL) and its Captain, _____ (NAME) through the _____ (NAME) Steamship Company local agents, of pollution situation created by _____ (ACTION CAUSING POLLUTION) from the _____ (NAME OF VESSEL) on _____ (DATE), with discharges of substantial quantities of oil from the ship in navigable waters.

The United States hereby requests and demands that the vessel and its Agents forthwith contain, clean up, and abate the oil pollution situation created by the spill or discharge of oil.

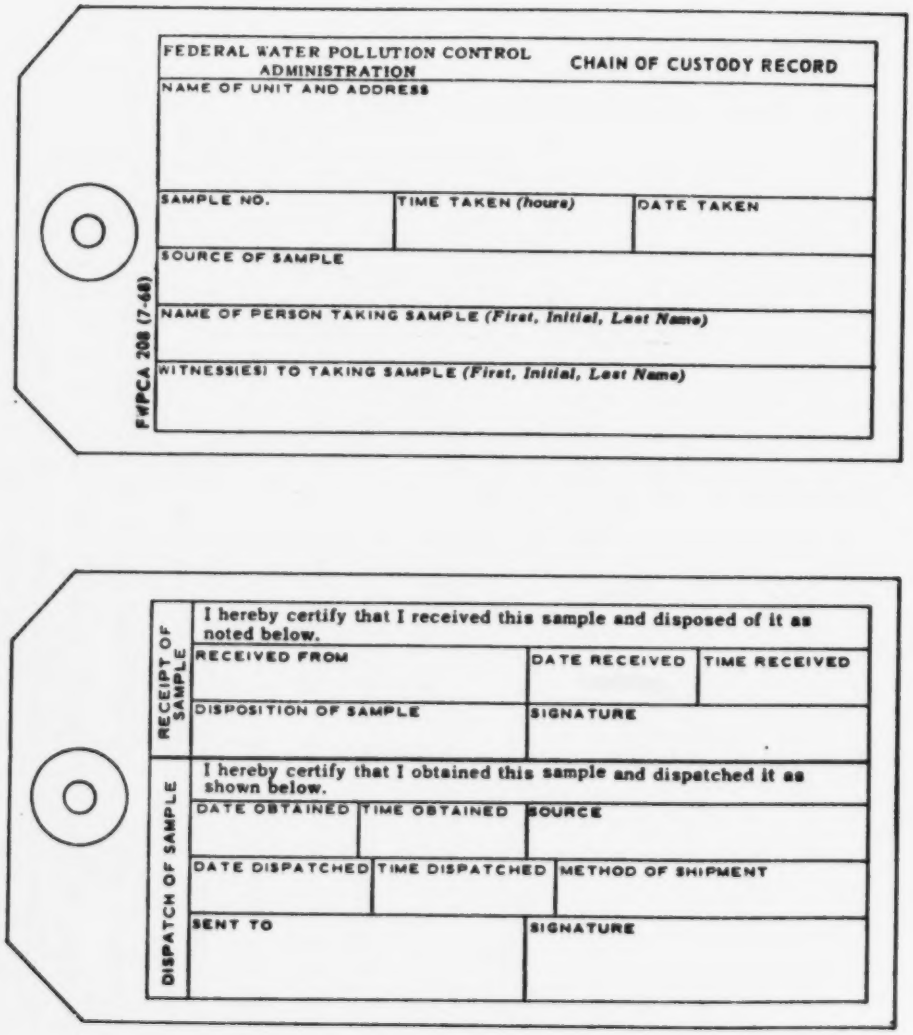
The United States hereby requests that the _____ (NAME) Steamship Company, acting for and in behalf of the vessel immediately report to the Federal Water Pollution Control Administration, U. S. Department of the Interior, _____ (ADDRESS) as to the immediate steps so far taken and the immediate steps that the vessel Captain, owners, and agents will take to contain, clean up, and abate the oil pollution situation.

Upon failure to remove the oil from the navigable waters of the United States and from the adjoining shorelines immediately the vessel owners, and its agents, the _____ (NAME) Steamship Company are hereby notified that the Secretary of the Interior, pursuant to the provisions of the Oil Pollution Act of 1924, as amended, will arrange to remove the oil and that the United States shall proceed to hold the vessel and owners liable for all costs and expenses incurred and for all other damages caused the United States.

If subject vessel denies responsibility for the oil discharge, it is respectfully requested that this office be advised immediately of the basis for such denial.

FOR THE REGIONAL DIRECTOR, FWPCA, USDI *(Signature)*	ADDRESS

FWPCA 207 (7-68) *(This notice to be transmitted to prime addressee via TWX. Other copies may be dispatched as appropriate)*



FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

CHAIN OF CUSTODY RECORD

NAME OF UNIT AND ADDRESS

SAMPLE NO.	TIME TAKEN *(hours)*	DATE TAKEN

SOURCE OF SAMPLE

NAME OF PERSON TAKING SAMPLE *(First, Initial, Last Name)*

WITNESS(ES) TO TAKING SAMPLE *(First, Initial, Last Name)*

FWPCA 208 (7-68)

RECEIPT OF SAMPLE

I hereby certify that I received this sample and disposed of it as noted below.

RECEIVED FROM	DATE RECEIVED	TIME RECEIVED
DISPOSITION OF SAMPLE	SIGNATURE	

DISPATCH OF SAMPLE

I hereby certify that I obtained this sample and dispatched it as shown below.

DATE OBTAINED	TIME OBTAINED	SOURCE
DATE DISPATCHED	TIME DISPATCHED	METHOD OF SHIPMENT
SENT TO	SIGNATURE	

PUBLIC INFORMATION

Any significant spill of oil or other hazardous material inevitably generates a number of urgent requests for information from the news media. It is important, even crucial in many situations, that this information be provided promptly, and that the information be fully coordinated with the agencies concerned and be as complete as possible. Follow-up information should be provided to all interested media as it becomes available.

During pollution emergency operations, the JOC will act as the focal point for national public information releases and for information transfer between the OSC and the Washington D C. headquarters of the agencies concerned.

During Federal response operations, the ROT will be responsible for coordinating the interagency information releases at the regional operations level. This will be accomplished by furnishing the news media with information regarding the pollution incident directly from the ROC, or where the ROT determines the situation warrants, a professional information officer will be detailed to the scene of the incident to establish a news media contact office. The information officer at the scene of a pollution incident will coordinate information with the ROT prior to release. Information copies of all formal news releases from the regional level will be forwarded to JOC.

The agency furnishing the OSC in each incident will also provide the necessary information personnel as determined by the ROT. If this agency is unable to provide the necessary information services from its own information resources, the ROT will arrange for the detail of appropriate information personnel from one or more of the signatory agencies.

In cases where the JOT is activated, it may assume direction of any of the public information activities of the ROT to more fully ensure the avoidance of contradictory, overlapping, or uncoordinated National or regional information releases on the same subject.

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ANNEX XIII

TECHNICAL INFORMATION

The technical literature listed in this annex is intended to provide general background information on the handling of spills of oil and other hazardous substances. It should be useful as reference information to the experienced OSC and instructional to less experienced personnel. A complete set of the references should be maintained in each ROC.

1. Information and Procedures for Significant Spills of Oil and Other Hazardous Materials Into the Water Environment (USDI - FWPCA).

2. Chemical Data Guide for Bulk Shipment by Water (U. S. Coast Guard CG-388).

3. Handbook of Toxicology (National Academy of Sciences/National Research Council).

4. Natural Disaster Manual for State and Local Applicants (OEP Circular 4000, 4, 1963).

5. Federal Disaster Assistance [A Pocket Guide to Disaster Help] (OEP Pamphlet).

6. Oil Spill Study, Research Report (Battelle Northwest, November 1967).

7. Character and Control of Sea Pollution by Oil (American Petroleum Institute, October 1963).

8. Manual for the Prevention of Water Pollution During Marine Oil Terminal Transfer Operations (American Petroleum Institute, 1964).

9. Chemicals Used to Treat Oil on Water, Policy - July 5, 1968, [Copy Attached].

10. Current Regional Oil and Hazardous Materials Pollution Contingency Plan.

11. Disaster Plans From Regions, Districts, or Facilities of Signatory Agencies as Appropriate.

12. U. S. Corps of Engineers' Regulations ER 500-1-1 and ER 500-1-8 Emergency Employment of Army Resources (National Disaster Activities).

DEPARTMENT OF THE INTERIOR

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

XIII - 2

POLICY ON THE USE OF

CHEMICALS TO TREAT FLOATING OILS

1. Chemicals should not be used to emulsify, disperse, solubilize, or precipitate oil whenever the protection or preservation of (a) fresh water supply sources, (b) major shellfish or fin fish nurseries, harvesting grounds or passage areas, or (c) beaches is a prime concern.

   Such chemicals should only be used in those surface water areas and under those circumstances where preservation and protection of water related natural resources is judged not to be the highest priority or where a choice as to resource preservation may make the use of such materials a necessary alternative.

2. Examples of areas and circumstances where the use of such chemicals might be acceptable are:

   a. where fire or safety hazards are presented by the spill of a petroleum product;

   b. where large numbers of waterfowl may perish because of the proximity of floating oil;

   c. under certain conditions, as a "polishing" or final clean-up of light slicks of oil following mechanical removal of floating oils.

3. Chemicals that emulsify, disperse, solubilize or precipitate oil should be used only under the immediate supervision of the Federal Water Pollution Control Administration except where it is judged that fire or safety hazards require the immediate application of such chemicals.

4. When chemical compounds are used in connection with oil clean-up, only those compounds exhibiting minimum toxicity toward the aquatic flora and fauna should be used. The Federal Water Pollution Control Administration is now developing and will soon issue a standard procedure for determining the toxicity of such chemicals.

5. Materials which aid in the collection of floating oils such as sorbents, gellants and viscosity control additives are considered to be generally acceptable providing that these materials do not in themselves or in combination with the oil increase the pollution hazard.

6. Research and development to improve chemicals which emulsify, disperse, solubilize or precipitate oil is encouraged. Whenever it is demonstrated to the complete satisfaction of the Federal Water Pollution Control Administration, that such a chemical, by itself and in combination with oil is non-toxic its use may be approved in the areas where the protection or preservation of a) fresh water supply sources, or b) major shellfish or fin fish nurseries, harvesting grounds or passage areas is a prime concern.

July 5, 1968